DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled DYNAMIC ROUTE DISCOVERY FOR OPTICAL SWITCHED NETWORKS the specification of which is attached hereto. was filed on (MM/DD/YYYY) United States Application Number or PCT International Application Number __ and was amended on (MM/DD/YYYY) (if applicable) I hereby state that I have reviewed and understand the contents of the above-identified specification. including the claim(s), as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: **Priority** Prior Foreign Application(s) Claimed Number Country (Foreign Filing Date -Yes No MM/DD/YYYY) (Foreign Filing Date -Yes No Number Country MM/DD/YYYY) (Foreign Filing Date -Number Country Yes No MM/DD/YYYY) I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below: (Filing Date - MM/DD/YYYY) **Application Number**

Application Number

(Filing Date - MM/DD/YYYY)

I hereby claim the benefit to application(s) listed below and not disclosed in the prior Unite 35, United States Code, Secti be material to patentability a became available between the filing date of this application:	d, insofar as the subject maded States application in the ion 112, I acknowledge the side defined in Title 37, Cod	atter of each of the manner provided duty to disclose a e of Federal Reg	e claims of this application is by the first paragraph of Title all information known to me to pulations, Section 1.56 which
Application Number	(Filing Date - MM/DD/YYY		itented, - ending, abandoned
Application Number	(Filing Date – MM/DD/YYY		itented, ending, abandoned
I hereby appoint the persons of this document) as my respand revocation, to prosecute Office connected herewith.	pective patent attorneys an	d patent agents,	with full power of substitution
Send correspondence to			SOKOLOFF, TAYLOR &
ZAFMAN LLP, 12400 Wilsh telephone calls toR. Ala	ame of Attorney or Agent hire Boulevard 7th Floor, n Burnett , (of Attorney or Agent)) , Los Angeles, ((206) 292-8600.	California 90025 and direct
statements were made with punishable by fine or impri	mation and belief are be the knowledge that willfus sonment, or both, under	elieved to be tr ul false statemer Section 1001 of '	ledge are true and that all ue; and further that these its and the like so made are litle 18 of the United States ity of the application or any
Full Name of First Inventor S			
Inventor's Signature	Hono Ordia	Date _	10/22/03
Residence San Jose, Califo	mia ty, State)	Citizenship <u>USA</u>	(Country)
Post Office Address <u>1576 W</u> San Jos	illow Oaks Drive e, California 95125		
Full Name of Second Inventor	Christian Maciocco		
Inventor's Signature		Date _	
Residence Tigard, Oregon	tu Stato)	Citizenship <u>US</u>	(Country)
Post Office Address 16322	ty, State) SW Stahl Drive Oregon 97223		(Country)

application(s) listed below a not disclosed in the prior U 35, United States Code, Se be material to patentability	and, insofar as the subject matte nited States application in the ma ection 112, I acknowledge the dut as defined in Title 37, Code o the filing date of the prior applic	er of each of the claims of this application anner provided by the first paragraph of Tit to disclose all information known to me of Federal Regulations, Section 1.56 which cation and the national or PCT internation
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Application Number	(Filing Date – MM/DD/YYYY)	Status patented, pending, abandoned
of this document) as my re	espective patent attorneys and p	which is incorporated by reference and a particular agents, with full power of substitution all business in the Patent and Tradema
Send correspondence to		_, BLAKELY, SOKOLOFF, TAYLOR &
74EMAN D 12400 Wi	(Name of Attorney or Agent)	os Angeles, California 90025 and dire
t lephone calls to R.A		6) 292-8600.
	lan Burnett , (200 ne of Attorney or Agent)	6) 292-8600.
I hereby declare that all statements made on inf stat ments were made w punishable by fine or im	ne of Attorney or Agent) statements made herein of notes of the state	ny own knowledge are true and that eved to be true; and further that the alse statements and the like so made action 1001 of Title 18 of the United Statedize the validity of the application or a
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Rev. 07/25/02 (D2)

Post Office Address 16322 SW Stahl Drive Tigard, Oregon 97223

APPENDIX A

Ramin Aghevli, Reg. No. 43,462; William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Thomas M. Coester, Reg. No. 39,637; Robert P. Cogan, Reg. No. 25,049; Florin A. Corie, Reg. No. 46,244; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Sanjeet Dutta, Reg. No. 46,145; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; George L. Fountain, Reg. No. 37,374; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Mark A. Goldstein, Reg. No. 50,759; Michael D. Graham, Reg. No. 51,751; Melissa A. Haapala, Reg. No. 47,622; Alan E. Heimlich, Reg. No. 48,808; James A. Henry, Reg. No. 41,064; William E. Hickman, Reg. No. 46,771; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Libby H. Hope, Reg. No. 46,774; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steve Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Julio Loza, Reg. No. 47,758; Joseph Lutz, Reg. No. 43,765; Lawrence E. Lycke, Reg. No. 38,540; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Raul D. Martinez, Reg. No. 46,904; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Richard A. Nakashima, Reg. No. 42,023; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Gregg A. Peacock, Reg. No. 45,001; Philip A. Pedigo, Reg. No. P-52,107; Marina Portnova, Reg. No. 45,750; Michael A. Proksch, Reg. No. 43,021; Joseph A. Pugh, Reg. No. P-52,137; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Saina S. Shamilov, Reg. No. 48,266; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. P-52,291; John F. Travis, Reg. No. 43,203; Thomas J. Treutler, Reg. No. 51,126; Kerry D. Tweet, Reg. No. 45,959; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Brent E. Vecchia, Reg. No. 48,011, and Lehua Wang, Reg. No. 48,023; my patent agents, of BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and James R. Thein, Reg. No. 31,710, my patent attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.
 - A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.
- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.